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For the Northern District of California United States District Court

 Plaintiff,

TERRY A. SZUCSKO,

ANDRE RENE PATTERSON,

Defendant.

This action is dismissed without leave to amend for failure to state a claim. Judgment is entered accordingly.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 11-04900 SI

JUDGMENT

IT IS SO ORDERED.

Dated: October 28, 2011

United States District Judge